

Minute Orders

Case Number: 2020CR000229

Case Type: Sex Offenses

Case Caption: The People of the State of Colorado v.
Monderen, Johnny Perez

Division: 11

Judicial Officer: Scott A Sells

Court Location: Teller County

Order Date: 12/09/2021

SELLS/DRF/ODONNELL DDA WILLETT/PRK JTRL DIV 11 8:30 ALL PARTIS APPEAR; DA BRINGS UP ISSUE WITH TESTIMONY OF VICTIM BRINGING UP COLO SPGS; WAS NOT PART OF HIS PREP IN QUESTIONING;DEFENSE REQ THAT CASE BE DISMISSED; COURT WILL TAKE ISSUE INTO ADVISMENT;JURY PANEL IS BROUGHT IN; TESTIMONY OF BLIND EXPERT;DEFENSE OBJECTS TO WITNESS BEING RECOGNIZED AS AN EXPERT;DA CONTINUES VOIR DIRE; COURT OVER DEFENSE OBJECTION WILL ADMIT WITNESS AS AN EXPERT AND WILL DENY DEFENSE REQ THAT HE NOT TESTIFY TO FIGHT FLIGHT/FREEZE;JURY PANEL IS RELEASED FOR BREAK; COURT GOES OVER WITH PARTIES WHEN DA HAD TALKED TO VICTIM AND CONTEXT AND THE TESTIMONY THE VICTIM GAVE; DEFENSE STATES BASED ON CONTENT THE INFORMATION WOULD HAVE HAD TO BE TURNED OVER TO DEFENSE BEFORE TODAY;COURT QUESTIONS DA PRK AND DETECTIVE; DEFENSE STATES INFORMATION WOULD HAVE BEEN IMPEACHABLE OF VICTIM; COURT HAS TO CONSIDER LESS DRASTIC MEASURES; COURT TAKES RECESS TO REVIEW;COURT BACK IN SESSION;ALL PARTIES PRESENT;COURT GIVES RULING ON DEFENSE MOTION TO DISMISS; COURT FINDS A BRADY VIOLATION BY THE PEOPLE; COURT HAS TO CONSIDER LESS DRASTIC ALTERNATIVES; COURT CAN'T SEE LESS DRASTIC ALTERNATIVE; COURT WILL FIND SIGNIFICANT BRADY VIOLATION AND A CONSTITUTIONAL VIOLATION OF DEFENDANTS RIGHTS; COURT WILL GRANT DEFENSE MOTION TO DISMISS; JURY PANEL IS BROUGHT IN;COURT RELEASES THE JURY PANEL FROM THEIR DUTIES AND THEY ARE EXCUSED;COURT SETS CASE FOR REVH FOR FURTHER PROCEEDING;STATUS SET FOR 12/27/21 1:30;10:10AM ALL PARTIES PRESENT; BACK ON RECORD;DEFENSE WANTED TO CLARIFY THE COURTS RULING FOR MISTRIAL OR DISMISSAL; COURT DECLARES A MISTRIAL; COURT WILL RESERVE JURISDICTION; BONC /DRF /NJA

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12 27 2021 FTR 01:29PM/JUDGE SELLS/NJA/DDA WILLET; DEF BY WEBEX; ATD MAHER BY WEBEX; HEAR; NOLLE FILED;
GRANTED; CASE DISMISSED; BOND RELEASED /NJA

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SELLS/DRF/FTR DA WILLETT/BENTLY HEAR DIV 11 1;35 DPWC ATRNY MAHER VIA WEBEX; DA DISMISSED CHARGES PER MISTRIAL;DA STATES GAL BAILEY HAS SPOKE WITH VICTIM AND HE IS OPPOSED TO SEALING THIS RECORD; DA ALSO OBJECTS; COURT WILL GRANT REQ TO SEAL BASED ON MISTRIAL AND OVER OBJECTION OF VICTIM AND DA; /DRF